

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Yuxian Miao aka Yu Xian Miao,

Debtor.

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Itria Ventures LLC,

Plaintiff,

v.

Case No. 21-40035-ess
Chapter 7

Adv. Proc. No. 1-21-01039-ess

ANSWER

Yuxian Miao aka Yu Xian Miao,

Defendant.

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YUXIAN MIAO aka YU XIAN MIAO, the buyers attorney, Pryor & Mandelup, L.L.P., as and for his answer to the Non-Dischargeability Action commenced by Itria Ventures, LLC ("Plaintiff") respectfully represents:

1. Admits the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 21, and 37.
2. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs 11, 18, 19, 20, 22, and 36.
3. Denies the allegations contained in paragraphs 14, 24, 25, 26, 27, 27, 28, 29, 30, 31, 32, 34, 35, 38, 39, 41, 42, 43, 44, and 45.
4. With respect to the allegations contained paragraph 17, Defendant acknowledges the receipt of certain funds, but denies that the said funds were delivered on account of the purchaser of receivables (although plaintiff's agreement represented such state of facts).

5. With respect to the allegations contained paragraphs 23, 33, and 40, Defendant restates the admissions and denials otherwise set forth herein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. Plaintiff fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. Plaintiff's loan was criminally usurious, and as such is unenforceable.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. Plaintiff was fully aware at all points in time of the existence of prior secured claims and further understood that Defendant was obtaining additional funds from various other lenders.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

9. Plaintiff fails to have a good faith basis for its allegations contained in each of its counts one, two and three.

WHEREFORE, Defendant, Yuxian Miao demands judgment dismissing Plaintiff's complaint, together with such other and further relief as this Court deems fair and equitable.

Dated: April 20, 2021
Westbury, New York

PRYOR & MANDELUP, L.L.P.

By: /s/ Robert L. Pryor
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